FINAL REPORT

of the

SENATE JUDICIARY INTERIM SUBCOMMITTEE

on the

INSANITY DEFENSE

December 28, 1982

Senator Jacque Steiner, Chairman

Senator Peter Kay, Member

Senator Jaime Gutierrez, Member

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I. INTRODUCTION

A. The Interim Subcommittee

The Senate Judiciary Interim Subcommittee on the Insanity Defense was appointed in May of 1982, by Senate President Leo Crobet as recommended by Judiciary Chairman Jim Kolbe. The subcommittee, chaired by Senator Jacque Steiner and including Senator Peter Kay and Senator Jaime Gutierrez, was charged to:

1. Examine the present status of the insanity defense in Arizona.
2. Examine possible alternatives to the status quo.
3. Make recommendations for change, if any are indicated.

Two public hearings were held in the summer of 1982, and the committee received extensive materials from well informed, concerned individuals representing diverse points of view. An additional hearing was held on December 8, 1982 to review and receive comments on the draft report. Based upon the hearings, research and evaluation, the subcommittee has issued the following report.

B. The Climate for Change

During the Spring of 1982, two well publicized and controversial murder trials focused tremendous attention on the use of the insanity defense in Arizona.

Steven Steinberg stabbed his wife twenty-six times with a kitchen knife while "sleepwalking." A Phoenix jury acquitted Steinberg based on the defense of insanity. He was released after the verdict due to testimony by psychiatrists who stated Steinberg was no longer a threat to himself or society.

William Gorzenski shot his wife and her paramour after discovering them together in his bed. A Safford jury acquitted Gorzenski based on his defense of insanity, accepting the assertion that the suffered from deep depression and suicidal feelings.

The Steinberg and Gorzenski trials established the need for a thorough examination of Arizona's insanity defense. That need was subsequently highlighted by the clamor over the Hinckley acquittal in Washington.

II. CURRENT ARIZONA LAW

A. Elements of a Crime

A crime is defined by an Arizona statute in terms of a proscribed act and the requisite culpable mental state. Generally speaking, both the act and the culpable mental state must be proven to establish criminal liability.

The act requirement varies for each crime, and therefore must be separately detailed. For example, homicide requires causing the death of another, while arson requires damaging a structure or property by causing a fire or explosion.

Commission of the act alone does not establish criminal liability. The requisite culpable mental state must be proven. Arizona statutes specify four such culpable mental states:

1. Intentionally (the person's objective is to cause the result or engage in the conduct); e.g., intending to injure another person.

2. Knowingly (the person is aware or believes his or her conduct is of the nature proscribed); e.g., buying property known to be stolen.

3. Recklessly, (the person is aware of and consciously disregards a substantial and unjustifiable risk that the proscribed result will occur); e.g., consciously disregarding a posted speed limit.

4. Negligently (the person fails to perceive a substantial and unjustifiable risk that the proscribed result will occur); e.g., negligently shooting at a person thought to be an animal.

B. Defenses

Even where a person commits a proscribed act, with the requisite culpable mental state, he or she may still be acquitted of criminal charges if the attendant facts or circumstances indicate the existence of a valid defense to the crime. Defense of self or others, or of property are commonly asserted. Duress, entrapment and immaturity may also be asserted, and if proven any of these defenses would result in acquittal of the criminal charges.

C. Formulation of the Arizona Insanity Defense

Another defense available under Arizona statutes and case law is the insanity defense. As with the other defenses discussed above, proof of the insanity defense would result in complete acquittal for an otherwise criminal act.

The current formulation of the insanity defense in Arizona is commonly referred to as the M'Naghten Rule. A.R.S. 13-502 provides that a person is not responsible for criminal conduct if at the time of such conduct the person suffered from a mental disease or defect such that:

1. he did not know the "nature and quality" of the otherwise criminal act; OR

2. (if he did know the nature and quality of the act) that he did not know that what he was doing was "wrong."

D. Burden of Proof

In Arizona, a defendant is initially presumed to be sane. A defendant who seeks an acquittal based on a defense of insanity must present sufficient evidence to generate a reasonable doubt as to his or her sanity. If sufficient evidence is presented, the burden of proof shifts to the prosectuion to prove beyond a reasonable doubt that the defendant was sane at the time the criminal act was committed.

E. Commitment

Pursuant to Rule 25 of the Arizona Rules of Criminal Procedure (promulgated by the Arizona Supreme Court), when a defendant is found not guilty by reason of insanity, the court shall order the prosecution to commence civil commitment proceedings against the defendant.

Under Title 36 of the Arizona Revised Statutes, if the court finds that the defendant is a danger to himself or others, and that there are no available or appropriate alternatives to court ordered treatment, the court shall order commitment. If the court finding is not made, the defendant is immediately released and does not re-enter the criminal justice system.

Court ordered commitment expires after 180 days unless a new petition is filed prior to that time. The medical director of the treating agency may release a committed defendant at any time if the defendant is no longer a danger to himself or others. Upon release from court ordered treatment, the defendant does not re-enter the criminal justice system.

III. FORMULATIONS OF THE INSANITY DEFENSE

A. Historical Overview

The origins of the present insanity defense have been traced back to the Hebrew distinction between intentional and unintentional actions. Specifically, children and insane persons were not held responsible for criminal activity due to their perceived inability to intend harm.

Greek and Roman scholars developed an additional concept regarding criminal responsibility. They recognized that acts committed in the "heat of passion" were less blameworthy than premeditated acts. Although these societies did not exonerate those acting in the heat of passion, the resulting punishment was less severe.

Early English law made no provision for a defense based on insanity of any type. Proof of the criminal act was the only requirement for conviction; the presence or lack of criminal intent was not considered. By the 13th Century; however, insanity was recognized as one circumstance possibly warranting a royal pardon. Although not a defense to a criminal charge, insanity nonetheless served to mitigate punishment, at the discretion of the Crown. By the 16th Century, insane persons were recognized as incapable of committing criminal offenses due to their lack of capacity. The early test of insanity became known as the "wild beast" test, a test requiring that the defendant totally lacked criminal awareness at the time the act occurred.

B. The M'Naghten Test

In 1843 Daniel M'Naghten was tried for the murder of Edward Drummond, the private secretary to England's Prime Minister Sir Robert Peel. Evidence presented at the trial indicated that M'Naghten was not of sound mind and was suffering from delusions at the time of the killing. M'Naghten mistook Drummond for Peel who was his intended victim. The jury returned a verdict of not guilty by reason of insanity. The result of the trial immediately came under attack. Editorials in the local newspapers suggested that the judges were insane, not M'Naghten. Queen Victoria herself wrote a letter to Sir Robert Peel expressing her dissatisfaction with the ruling. Fifteen judges of the common law court were summoned by the House of Lords to issue an opinion on the law governing insanity cases. The Chief Justice, responding for all but one of the judges, replied . . .

> "that every man is presumed to be sane and that to establish a defense on the grounds on insanity it must be clearly proved that, at the time of the committing of the act the accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know he was doing what was wrong."

The M'Naghten Rule is the formulation of the insanity defense in 20 states (Arizona, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota and Washington).

In addition, Alaska employs the "nature and quality" arm of M'Naghten test as a complete defense to criminal liability.

C. The Irresistible Impulse Rule

Dissatisfaction with the somewhat limited scope of the M'Naghten test has resulted in the development of a supplement to that test -- the irresistible impulse rule. This rule provides that a defendant is not criminally responsible for an act if he or she was "forced" to execute the crime by operation of an impulse which the person was powerless to control, due to a mental disease or defect. The irresistible impulse defense rests on four assumptions:

1) There are mental diseases which impair volition or self control, even while cognition remains relatively unimpaired.

2) That the use of M'Naghten alone results in findings that persons suffering from such diseases are not insane.

3) That the law should make the insanity defense available to persons who are unable to control their actions.

4) No matter how broadly M'Naghten is construed there will remain areas of serious mental disorder which it will not reach.

No state employs the irresistible impulse test as the sole formulation of insanity. However, 3 states (Colorado, New Mexico and Virginia) use the irresistible impulse test to expand upon the M'Naghten formulation of insanity.

D. The Durham Rule

An even greater expansion of the M'Naghten test was formulated in 1954. In the case of Durham v. United States the court held "an accused is not criminally responsible if his unlawful act was the product of a mental disease or defect."

One state (New Hampshire) presently employs the Durham Rule.

E. The MPC/ALI Test

The Model Penal Code test of criminal responsibility, authored by the American Law Institute in 1961, provides that a defendant is not responsible for an unlawful act if as the result of a mental disease or defect, the defendant lacked the "substantial capacity":

1. to appreciate the criminality/wrongfulness of his conduct; OR
2. to conform his conduct to the requirements of law.

"Mental disease or defect" is defined to exclude an abnormality manifested only by repeated criminal or otherwise antisocial behavior. "Substantial capacity" is not defined.

The MPC/ALI formulation is employed in all federal jurisdictions, 23 states and the District of Columbia (Alabama, Arkansas, California, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Ohio, Oregon, Rhode Island, Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin and Wyoming).

IV. RELATED TOPICS

A. Burden of Proof

In 1952, the U.S. Supreme Court held that the Oregon rule, placing the burden of proving an insanity defense on the defendant, did not violate the Due Process clause. Under the Oregon scheme, insanity was to be proved beyond a reasonable doubt (a much higher standard that the "preponderance of the evidence" or "clear and convincing evidence" tests).

In 1976, and again in 1977, the Court declined the opportunity to reconsider this holding.

According to a recent Legislative Council survey, the practice among the states is split almost evenly between placing the burden on the defendant, and placing the burden on the prosecution.

As noted earlier, in Arizona the defendant is initially presumed to be sane. If the defendant raises a reasonable doubt as to his sanity, the burden falls to the prosecution to prove sanity beyond a reasonable doubt.

B. "Guilty But Mentally Ill"

In 1975, Michigan adopted the plea/verdict option of "guilty but mentally ill" (GBMI) as an additional alternative to the verdicts of "guilty," "not guilty" and "not guilty by reason of insanity" (NGRI).

A finding of "guilty but mentally ill" is not an acquittal, but rather is based on finding that the defendant committed the crime charged, was "mentally ill" at the same time of the crime, and did not meet the test for "not guilty by reason of insanity." A GMBI defendant receives treatment, but opon completion of the treatment he or she serves the remainder of the sentence in prison.

In recent years, seven states have followed Michigan's lead and adopted a GBMI option (Alaska, Delaware, Georgia, Illinois, Indiana, Kentucky and New Mexico).

Although no definitive study on the effects of the GBMI option has been reported, a July 1982 article provides the following information:

- Michigan now reports approximately 240 GBMI veridcts annually, compared with 30 such verdicts two years ago.

- It is estimated that in Michigan about 40% of the insanity pleas have resulted in a GBMI verdict.

- 80% of those judged GBMI in Michigan are later diagnosed as having no mental illness.

C. "Abolition" of the Insanity Defense

The legislatures of the states of Washington and Mississippi have previously attempted to completely eliminate their respective insanity defenses. Under these plans, consideration of a defendant's mental disease or defect at the time of a criminal act would play no part in the consideration of guilt or innocence. The highest courts in both states struck down the attempted abolitions as violative of due process.

During the last two years, the Montana and Idaho legislatures passed legislation abolishing their statutory formulations of the insanity defense. However, both states specifically provide for the admission of evidence on the issue of whether or not the defendant had the state of mind required as an element of the offense.

The Montana Supreme Court has interpreted the legislative action of that state to be a codification of the "diminished capacity" defense. Under such a system, mental disease or defect is abolished as a complete defense to a criminal charge. However, mental disease or defect would be considered to the extent that it mitigates higher degrees of criminal culpability. The result is that more serious offenders would be convicted, punished and treated for lesser criminal offenses (not requiring the defendant to have acted intentionally or knowingly). Less serious offenders may well be acquitted. Initiation of civil commitment procedures remains an additional possibility.

A thorough examination of the Idaho and Montana statutes indicates that these approaches closely parallel the mens rea approach currently being urged by some at the federal and state levels. Under the mens rea approach, a defendant who, as the result of a mental disease or defect, lacks the culpable mental state required for the offense charged would be acquitted of the criminal charges. Mental disease or defect would not otherwise

constitute a defense to a criminal charge. Thus, the statutory formulation of the separate insanity defense is abolished, but mental disease or defect is nonetheless considered as it bears upon the defendant's state of mind at the time of the offense.

D. Commitment

Although arguably a separate issue, commitment of those found "not guilty by reason of insanity" remains the most important topic relating to the insanity defense. Under Arizona law a person found "not guilty by reason of insanity" could be civilly committed in the same manner as any other person thought to be a danger to himself or others. There are no separate provisions for the NGRI acquittee.

1. The Joint Legislative Budget Committee on Mental Health Services has thoroughly examined Arizona's civil commitment laws, and although no specific piece of legislation has been endorsed, the Committee has recommended legislative changes that would

-- allow for greater access to treatment
-- increase flexibility in the placement of patients under court ordered treatment
-- allow for conditional release of hospitalized patients (to provide for a transitional phase between the institution and the community)
-- allow for notification of appropriate persons upon the release of a patient committed as a "danger to others"
-- allow for judicial review/evidentiary hearing for persons committed as a "danger to others" being released from treatment prior to the end of a period of court-ordered treatment

2. A 1981 Harvard Law Review article indicates that there are five basic approaches taken throughout the nation to deal with those acquitted on grounds of insanity.

a. Many states employ identical procedures for criminal acquittals and civil commitments. (Arizona, Idaho, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont and West Virginia.)

b. A few states provide that a criminal acquittee is entitled to a posttrial hearing incorporating a standard lower than that used for civil commitments. (Alaska, Arkansas, Connecticut, Florida, Hawaii.)

c. Several states provide that the criminal trial judge shall decide whether to commit, based on evidence produced at trial. (Alabama, California, Iowa, Kentucky, Maryland, Mississippi, New Hampshire, New Jersey, North Dakota, Oregon, Rhode Island, Virginia, Washington and Wyoming. Puerto Rico employs a similar approach.)

d. The State of Montana provides then "when the defendant is found not guilty of the charged offense or offenses or any lesser included offense for the reason that due to a mental disease or defect he could not have a particular state of mind that is an essential element of the offense charged, the verdict ... shall so state." When this special verdict is reached a predisposition investigation and hearing are conducted, drawing on evidence and testimony presented at trial.

e. The remaining states provide for automatic, limited mental health commitment upon an insanity defense acquittal. (Colorado, Delaware, Georgia, Kansas, Maine, Missouri, Nevada, New York and Wisconsin. Louisiana provides for automatic commitment upon acquittal in capital cases. The District of Columbia and the U.S. Virgin Islands employ an approach similar to the one outlined above.)

V. ANALYSIS AND STATEMENT OF OPTIONS

A. Overview

1. The public perceives the insanity defense as a tool too often employed and too often successful. Further, the public perceives that those acquitted by reason of insanity simply "walk free." In fact, the defense is rarely invoked, rarely successful, and many of those acquitted do receive in-patient medical treatment.

2. Of the four current formulations of the insanity defense, the M'Naghten test is regarded by prosecutors and defense attorneys alike as the strictest test to meet. Nothing would be gained by adopting one of the alternative tests, and it is possible that by adopting one such test, more defendants would be acquitted on grounds of insanity.

3. The "guilty but mentally ill" approach provides still another option for juries to consider. It does not eliminate the possibility of an insanity defense acquittal. Although it appears to offer a compromise verdict short of acquittal, it is really only a guilty verdict that further stipulates the type of confinement to be ordered. Under current Arizona law, confinement for those who have been found guilty and are mentally ill is provided for in ARS section 13-606.

4. The various attempts to abolish the insanity defense must be carefully analyzed. Two early attempts to totally abolish the defense were held unconstitutional. Recent attempts abolish the statutorially defined insanity defense, but do allow for expert testimony on mental defect as it relates to culpable mental state. One court has interpreted this approach to be an adoption of the "diminished capacity" rule.

5. It is clearly permissible to shift to the defendant the burden of proving his or her insanity as a defense to a criminal charge under our present system.

6. Regardless of changes made in the insanity defense, Arizona commitment statutes require evaluation and revision.

B. Statement of Options

After careful consideration of the testimony and written materials submitted, the subcommittee has identified two approaches, either of which would greatly improve the present status of the insanity defense. These two approaches are mutually exclusive; one or the other, but not both, should be adopted.

OPTION A

1. Modified M'Naghten Test

a. Status quo

It has been argued that the present M'Naghten test of insanity is sufficiently narrow to protect the public, while at the same time allows for the identification of those who should be excused for their otherwise criminal actions and treated for their disorders. Thus, it may be desirable to retain the present test, thereby leaving unaffected the current body of case law developed on the M'Naghten defense.

b. Limited M'Naghten test

One concern expressed regarding the present defense is that it goes too far in excusing otherwise criminal activity where the defendant, as the result of a mental disease or defect, did not know that what he was doing was "wrong." It has been urged that by retaining the first branch of M'Naghten (failure to know the nature and quality of the act) and eliminating the second branch (knowledge of the wrongfulness of the act), the defense would be appropriately limited to those situations where the defendant could not coprehend the nature of his action.

c. Definition of mental disease or defect

Dissatisfaction has been expressed with the fact that the present M'Naghten test fails to limit the nature of the mental disease or defect.

It has been urged that the defense be tightened by requiring that the disease or defect be a of a "serious" or "severe" nature. The often cited, narrow definition developed by Professor Richard Bonnie would provide that the term mental disease encompasses "only those severely abnormal mental conditions that grossly and demonstrably impair a person's perception or understanding of reality and that are not attributable primarily to the voluntary ingestion of alcohol or other psychoactive substances."

2. Burden of Proof

If the "not guilty by reason of insanity" verdict is retained, it has been urged that the burden of proof be shifted from the prosecution (to prove sanity beyond a reasonable doubt) to the defense (to establish insanity). As noted earlier, the U.S. Supreme Court has upheld such a shift, and approximately half of the states currently place the burden on the defense.

If the burden of proof is shifted, the standard of proof required should be clearly defined. Given the nature of psychiatric testimony, the highest standard (beyond a reasonable doubt) appears too strict. The lowest standard (preponderance of the evidence) may be sufficient, but the intermediate standard (clear and convincing evidence) appears best justified. The trend among states shifting the burden of proof is to adopt the intermediate standard.

3. Commitment

If the not guilty by reason of insanity verdict is retained, it has been urged that special procedures be adopted to ensure that the acquittee is evaluated, and also treated if necessary.

As noted earlier, 10 jurisdictions currently provide for automatic commitment upon an insanity acquittal. The initial commitment should

be of sufficient duration to allow for a complete evaluation of the acquittee's mental disorder. Upon expiration of the initial commitment, the acquittee would be re-evaluated and could be recommitted according to defined procedures which would guarantee the rights of the acquittee and also protect the public.

OPTION B

1. The Mens Rea Approach

The Mens Rea approach has been urged as a substitute for the present M'Naghten test. This approach provides that mental disease or defect does not constitute a separate defense to a criminal charge, but provides for the introduction of expert evidence on the defendant's ability or inability to form the culpable mental state required to be convicted of the crime. Thus, the focus is on the question of whether or not the defendant acted with the requisite culpable mental state rather than on the elements of the M'Naghten standard.

The probable effects of adopting the "Mens Rea" are twofold. First, the standard for acquittal would be greatly simplified for jurors. Evidence would necessarily focus on the issue of culpable mental state, in terms already considered by juries in all criminal cases. Second, the possibility of obtaining a "lesser included offense" conviction would be enhanced. Evidence may tend to disprove "intent" or "knowledge"; however, the "reckless" or "negligent" standards may be satisfied.

Since culpable mental state is an element of the criminal offense, the burden of proof must remain on the prosecution to prove beyond a reasonable doubt.

Versions of the mens rea approach have been adopted in Idaho and Montana, and have been recommended at the federal level.

2. Commitment

Under a mens rea approach, a defendant is found guilty or not guilty; there

is no special finding of insanity. It is possible to identify a party responsible for initiating civil commitment procedures when a defendant presents evidence of a mental disorder tending to negate the requisite culpable mental state, and is ultimately acquitted. Presumably, the criminal court judge or prosecutor would be the appropriate party to charge with the responsibility for pursuing civil commitment in such cases. This is similar to the approach taken in Rule 25 of the Arizona Rules of Criminal Procedure, which provides that when a defendant is found "not guilty by reason of insanity", the judge shall order the prosecutor to initiate civil commitment procedures.

APPENDIX

APPENDIX A...Relevant Arizona statutes and court rules

APPENDIX B...Subcommittee meeting minutes

(June 24, 1982)
(August 19, 1982)
(December 8, 1982)

APPENDIX C...Memo from Ken Behringer(Staff Attorney, Legislative Council)

Insanity Defense Standards in Other States

APPENDIX D...Summary of Judge Rudy Gerber's Report to the Interim Subcommittee

APPENDIX E...Subcommittee correspondence (Dr. Allan Beigel)

APPENDIX F...Subcommittee correspondence (Dr. John B. Wright)

13-502. Mental disease or defect

A person is not responsible for criminal conduct if at the time of such conduct the person was suffering from such a mental disease or defect as not to know the nature and quality of the act or, if such person did know, that such person did not know that what he was doing was wrong.

13-503. Effect of intoxication; consideration by jury

No act committed by a person while in a state of voluntary intoxication is less criminal by reason of his having been in such condition, but when the actual existence of the culpable mental state of intentionally or with the intent to is a necessary element to constitute any particular species or degree of offense, the jury may take into consideration the fact that the accused was intoxicated at the time in determining the culpable mental state with which he committed the act.

13-605. Diagnostic commitment

A. If after presentence investigation, the court desires more detailed information as a basis for determining the sentence to be imposed, it may commit the defendant to the custody of the department of corrections. The director of the department of corrections shall accept the commitment only when adequate staff and facilities are available. The notice to the court of acceptance of the commitment shall specify the time and place the defendant is to be received. The commitment shall not exceed ninety days. The department during that period shall conduct a complete study of the prisoner and shall by the expiration of the period of commitment return the prisoner to the court and provide the court with a written report of the results of the study, including whatever recommendations the department believes will be helpful in determining disposition of the case. After receiving the report and recommendations, if the court does not order a further diagnostic commitment under subsection B of this section, it shall sentence the defendant as authorized by section 13-603.

B. If after presentence investigation the court desires more detailed information about the defendant's mental condition, it may commit or refer the defendant to the custody of any diagnostic facility for the performance of psychiatric evaluation. The commitment or referral shall be for a period not to exceed ninety days. Within that period the facility shall return the prisoner to court and transmit to the court a diagnostic report, including whatever recommendations the facility may wish to make. After receiving the report and recommendations, if the court does not order a further diagnostic commitment under subsection A of this section, it shall sentence the defendant as authorized by section 13-603 or invoke the provisions of section 13-606.

C. In an appropriate case the court in its discretion may order diagnostic commitments under both subsections A and B of this section.

D. If after receiving a diagnostic report under subsection A or B of this section the court sentences the defendant to imprisonment, the period of commitment under either or both shall be credited to the sentence imposed.

13-606. Civil commitment after imposition of sentence

A. If, after imposition of sentence authorized by section 13-603 and on the basis of the report and recommendations submitted to the court under subsection B of section 13-605, the court believes that the defendant discloses symptoms of mental disorder, the court may proceed as provided in chapter 5 of title 36.

B. After termination of the commitment in subsection A of this section, the defendant shall be returned to the court for release or to serve the unexpired term imposed as authorized by section 13-603. The period of confinement pursuant to the civil commitment shall be credited to the sentence imposed.

13-3991. Detention of defendant during insanity; restoration to sanity

If a defendant is committed to the state hospital for the reason that he is insane or mentally defective to the extent that he is unable to understand the proceedings against him or to assist in his defense, if charged with a crime, or for the reason that he is found insane after conviction and prior to pronouncing sentence, he shall be detained in the state hospital until he becomes sane. When the defendant becomes sane, the superintendent of the state hospital shall give notice of that fact to the sheriff and county attorney of the county. The sheriff shall thereupon, without delay, bring the defendant from the state hospital and place him in proper custody, until he is brought to trial or sentenced, or is legally discharged.

13-3993. Examination of defendant pleading not guilty by reason of insanity

A. In any criminal prosecution in which the defendant has declared his intent to invoke an insanity defense, the state shall have the right to nominate and have appointed for examination of the defendant to determine the defendant's mental state the same number of medical doctors and licensed psychologists that will testify on behalf of the defense.

B. If a defendant in a criminal prosecution refuses to be examined by mental health experts nominated by the state, the court shall preclude the defendant from offering expert evidence of the defendant's mental state at the time of the alleged crime.

C. The privilege of confidential communications established by section 13-4062 between a medical doctor or licensed psychologist nominated and appointed by the court for the state pursuant to this section shall not apply to communications between such medical doctor or licensed psychologist and the defendant as it relates to the defendant's mental state at the time of the alleged crime.

13-3992. Expenses of maintenance of insane defendant as county charge

When a defendant in a criminal action, any time prior to pronouncement of sentence, is committed to the state hospital, the expenses of transporting him to and from the hospital and of maintaining him while confined therein shall be a charge against the county in which the indictment was found or information filed, but the county may recover such expenses from the estate of the defendant or from a relative, town, city or county required by law to provide for and maintain the defendant.

RULE 25. PROCEDURE AFTER VERDICT OR FINDING OF NOT GUILTY BY REASON OF INSANITY

Whenever the court or jury finds a defendant not guilty by reason of insanity, the trial court shall order the prosecutor to commence civil commitment proceedings against the defendant according to the procedures in the Public Health Code. The court and parties may consider the sufficiency of testimony at the trial on the issues relevant to civil commitment in determining the need for further examinations under the Public Health Code.

Comment

Rule 25 sets forth the procedures to be followed after a finding or verdict of not guilty by reason of insanity (N.G.R.I.). Along with Rule 11, it is intended to replace completely the provisions of Ariz.Rev.Stat.Ann. §§ 13–1621 and 13–1621.01 (Supp. 1972). See the comments to Rule 11.1.

When a defendant has been found not guilty by reason of insanity, Rule 25 requires the court to commence a civil commitment proceeding under the public health code—Ariz.Rev.Stat.Ann. §§ 36–501 to –528 (Supp.1972). If the court finds that the defendant is committable under that standard—"dangerous to himself or to the person or property of others if left at large" (Ariz.Rev. Stat.Ann. § 36–514(c)) (Supp.1972) he is to be committed on the same terms as any other patient. If not, he is to be released forthwith. The court may utilize all the procedures of the civil commitment law, including the authority of Ariz.Rev.Stat.Ann. § 36–510(A) (Supp.1972) to order the defendant confined "for apprehension and safekeeping" in any place other than the state hospital.

While the N.G.R.I. defendant must be given treatment equal to that given other persons, this does not mean that the procedures must necessarily be identical in every case. In particular, the court might not find it necessary to order new mental examinations under Ariz.Rev.Stat.Ann. § 36–514(B) (Supp.1972) if the defendant's present mental condition has been sufficiently explored prior to trial.

In addition to the equality thus created in the procedures and standards for commitment, the rule also equalizes the release procedures for persons civilly committed and those committed after an N.G.R.I. acquittal.

Historical Note

Derivation:

1956 Rules of Criminal Procedure. Rule 250.	Rules Cr.Proc. § 304. 44–1701, C. '39.

ARIZONA STATE DEPARTMENT OF CORRECTIONS

MEMO

Date: April 9, 1982

To: Gene A. Messer, Assistant Director, Administration

From: Floyd L. Gammage, Jr., Budget Analyst

Subject: Estimated Operating Cost/Various Housing Alternative

Pursuant to your request of April 7, 1982, estimated operating costs for the below indicated units were prepared:

	250 Bed Minimum Unit	250 Bed Medium Unit
FTE	53.0	109.0
Personal Services	$ 1,047,800	$ 1,915,900
Employee Related	248,300	517,300
Professional and Outside Svcs.	158,200	158,200
Travel - In State	12,500	12,500
Food	284,700	284,700
Other Operating	375,000	375,000
Equipment	155,000	155,000
WIPP	60,500	65,000
Discharge Expense	9,100	5,000
Total	$ 2,351,100	$ 3,488,600

The major modification in these estimates is the inclusion of Professional and Outside Services associated with a Health Care Delivery System.

FLG/as

Mr. Anthony W. Zelenak
Facilities Administrator
State of Arizona
Department of Corrections
321 West Indian School Road
Phoenix, Arizona 85013

Re: Feasibility Study of Proposed Medium Security Training Center at Ajo, Arizona

Dear Mr. Zelenak:

At your request, we have completed a feasibility study for creating a complete operating Medium Security facility at Ajo, Arizona.

This feasibility study provides the necessary detail to initiate the selection of a final scheme. The final scheme should be developed to provide refinement of finite functional space requirements, land acquisition procedures, security and operations requirements, architectural/engineering design, refined construction budgeting, and effects of site location on inmate support functions such as family, attorneys, agencies, and ADOC.

We hope that this report provides the ADOC with the necessary information to make decisions on the proposed Medium Security Training Center.

Prepared By:

James O. Ward, AIA
Varney, Sexton, Lunsford, Aye Associates - Architects, Inc.

Karl A. Despins
Project Manager
Kitchell CEM
Capital Expenditure Managers

Briefly the three schemes are defined as:

Scheme #1: (250 inmates) Utilize all existing facilities for non-housing functions and construct new housing units. Meet all applicable codes and ACA standards.

Scheme #2: (150 inmates) Utilize all existing housing buildings to meet housing needs. Remodel and expand existing non-housing buildings. Meet all applicable codes and ACA standards.

Scheme #3: (132 inmates) Utilize all existing housing buildings to meet housing needs in dormitory style. Remodel and expand existing non-housing buildings. Meet all applicable codes and meet all ACA standards wherever possible.

There are features included in the study which are common to all three schemes; notably, everything except housing. All three schemes assume: two phases of construction (Phase I - Immediate and Phase II - Future), the same site development requirements, use of inmate labor where indicated, and completion by employing "fast-track" construction methods to provide adequate site facilities at the earliest possible date. Also, all three schemes are based upon total compliance with NFPA - 101, and UBC.

o Findings

The cost, time and functional capacities are summarized below. The cost/inmate indicated excludes labor on general trade items and excludes staff housing in the cost/inmate calculation.

Scheme 1: 250 inmates @ $40,300/ea = $10,081,500
forecast completion = May 1, 1984
(Phase I)

Scheme 2: 150 inmates @ $58,900/ea = $ 8,827,900
forecast completion = May 1, 1984
(Phase I)

Scheme 3: 132 inmates @ $52,700/ea = $ 6,950,600
forecast completion = March 1, 1984
(Phase I)

The water report indicates that use of an existing well nearby may be negotiable and that treatment for impurities would be required. An additive option for providing a new well strictly for the ADOC use has been indicated on the estimate breakdown at an allowance of $150,000.00.

Insufficient information is available to determine the effects of the adjacent operating radar station on proposed security systems. Consideration of an engineering study to determine the full effects should be made a part of further development of design.

Thirty-sixth Legislature
First Regular Session

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1052

(Reference to printed bill)

Page 2, line 34, strike "collected pursuant to section" insert "DISTRIBUTED TO THE FUND BY THE CRIMINAL JUSTICE FINANCE AUTHORITY PURSUANT TO SECTION 41-2429"; strike "41-2402"

Line 38, strike "FIFTEEN" insert "SIXTY"

Line 44, strike "2." insert "2."; after "~~eight~~" strike the remainder of the line and insert "TEN per cent of the fund monies in the prosecuting"

Strike lines 45 and 46 and insert "attorneys' advisory council training fund established pursuant to section 41-1830.03 UP TO A MAXIMUM OF THREE HUNDRED AND FIFTY THOUSAND DOLLARS IN A FISCAL YEAR. ANY MONIES IN EXCESS OF THIS AMOUNT SHALL BE DISTRIBUTED TO THE OTHER ELIGIBLE RECIPIENTS OF CRIMINAL JUSTICE ENHANCEMENT FUND MONIES IN PROPORTION TO THE ALLOCATIONS MADE BY THIS SUBSECTION."

Renumber to conform

Page 3, line 1, strike "SEVEN" insert "TWENTY-EIGHT"

Strike lines 17 and 18

Renumber to conform

Line 23, after "FUND" insert ", THE ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL"

Page 4, line 2, after "including" insert ", WITHOUT LIMITATION,"

Line 16, after "assessment" insert "UPON A FINDING THAT"

Line 17, strike "which" insert "THE PENALTY ASSESSMENT"

Line 25, after the period insert "MONIES COLLECTED BY THE CLERK OF THE COURT SHALL BE ALLOCATED FIRST TO THE PENALTY ASSESSMENT DUE PURSUANT TO

THIS SECTION, PRIOR TO ANY ALLOCATION TO ~~THE FUND~~ ANY FINE, PENALTY, FORFEITURE, BAIL OR BOND UPON WHICH THE PENALTY ASSESSMENT IS IMPOSED."

Page 4, line 28, strike "state treasurer" insert "ARIZONA CRIMINAL JUSTICE FINANCE AUTHORITY"

Line 29, after "for" strike the remainder of the line and insert "DISTRIBUTION TO THE CRIMINAL JUSTICE AUTHORITY REVENUE"

Line 30, strike "justice enhancement"

Page 6, line 32, strike "PRISON" insert "CRIMINAL JUSTICE"

Line 34, strike "ARTICLE" insert "CHAPTER"

Between lines 34 and 35, insert:

"1. 'AUTHORITY' MEANS THE ARIZONA CRIMINAL JUSTICE FINANCE AUTHORITY."

Senate Amendments to S.B. 1052

Renumber to conform

Page 6, line 35, strike "COMMISSION" insert "AUTHORITY"

Between lines 37 and 38, insert:

"4. 'CRIMINAL JUSTICE FACILITY' MEANS REAL PROPERTY, FIXTURES, FURNISHINGS AND EQUIPMENT FOR ANY ADULT OR JUVENILE CORRECTIONAL FACILITY."

Renumber to conform

Line 38, strike "PRISON" insert "CRIMINAL JUSTICE FACILITIES"; after "MEANS" insert a colon and strike the remainder of the line

Strike line 39

Reletter to conform

Line 40, strike "PRISONS" insert "CRIMINAL JUSTICE FACILITIES"

Line 41, strike "PRISON" insert "EXISTING"; after "FACILITIES" insert "FOR CRIMINAL JUSTICE FACILITIES"

Line 42, strike "PRISON SITES" insert "CRIMINAL JUSTICE FACILITIES"

Between lines 42 and 43, insert:

"(d) ESTABLISHMENT OF RESERVES TO SECURE PAYMENT OF PRINCIPAL, INTEREST AND PREMIUMS DUE ON THE BONDS.

(e) REFUNDING OF ANY MATURED OR UNMATURED BONDS ISSUED BY THE AUTHORITY.

(f) EXPENSES OF THE AUTHORITY INCIDENT TO THE PURPOSES SPECIFIED IN THIS PARAGRAPH.

6. 'RESOLUTION' MEANS ANY RESOLUTION ADOPTED BY THE AUTHORITY AND ANY TRUST INDENTURE OR OTHER AGREEMENT EXECUTED BY THE AUTHORITY PURSUANT TO A RESOLUTION.

41-2422. Arizona criminal justice finance authority; members; terms

A. THERE IS ESTABLISHED THE ARIZONA CRIMINAL JUSTICE FINANCE

AUTHORITY. THE AUTHORITY SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE GOVERNOR, PURSUANT TO SECTION 38-211, TO SERVE FOR A TERM OF SIX YEARS. THE TERM SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. NOT MORE THAN THREE MEMBERS OF THE AUTHORITY SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

B. THE AUTHORITY SHALL MEET AND ORGANIZE BY ELECTING FROM AMONG ITS MEMBERSHIP A CHAIRMAN AND SUCH OTHER OFFICERS AS ARE DEEMED ADVISABLE. THE AUTHORITY SHALL MEET AS OFTEN AS IS NECESSARY TO PERFORM ITS DUTIES, AND A MAJORITY OF THE MEMBERS CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

C. MEMBERS OF THE AUTHORITY ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

D. THE AUTHORITY MAY EMPLOY STAFF AND CONSULTANTS AND ACQUIRE FACILITIES AND EQUIPMENT, AS ARE NECESSARY TO PERFORM ITS FUNCTIONS."

Page 6, line 43, strike "41-2422." insert "41-2423."

Strike lines 45 through 49 and insert:

"A. THE ARIZONA CRIMINAL JUSTICE FINANCE AUTHORITY MAY ISSUE BONDS FOR ANY CRIMINAL JUSTICE FACILITY PURPOSE. THE BONDS SHALL BE PAYABLE SOLELY FROM THE MONIES COLLECTED FROM THE PENALTY ASSESSMENT PROVIDED IN SECTION 42-2402 AND PAID TO THE AUTHORITY OR ITS DESIGNATED FISCAL AGENT. THE AUTHORITY MAY PLEDGE AND ASSIGN ALL OR ANY PORTION OF THE MONIES NECESSARY TO SECURE PAYMENT OF THE BONDS TO A FISCAL AGENT OR TO A TRUSTEE IN TRUST FOR THE BONDHOLDERS.

B. BONDS ISSUED UNDER THIS ARTICLE SHALL BE FULLY NEGOTIABLE WITHIN THE MEANING AND FOR ALL PURPOSES OF TITLE 44. THEY MAY BE IN ONE OR MORE SERIES, MAY BEAR SUCH DATES, MAY BE PAYABLE IN SUCH MEDIUM OF PAYMENT, AT SUCH PLACES, MAY CARRY SUCH REGISTRATION

PRIVILEGES, SHALL BE EXECUTED IN SUCH MANNER, CONTAIN SUCH TERMS, COVENANTS AND CONDITIONS AND SHALL BE IN SUCH FORM, EITHER UNREGISTERED, REGISTERED AS TO PRINCIPAL ONLY OR REGISTERED AS TO BOTH INTEREST AND PRINCIPAL, AS THE AUTHORITY MAY BY RESOLUTION PRESCRIBE. THE BONDS SHALL BE PAYABLE AT ONE TIME, OR FROM TIME TO TIME IN SUCH MANNER AND IN SUCH MATURITIES NO LONGER THAN FORTY YEARS FROM THEIR DATE AS THE AUTHORITY MAY PRESCRIBE. THE BONDS MAY BE ADDITIONALLY SECURED BY RESERVE OR SINKING FUNDS WHICH MAY EITHER BE CAPITALIZED IN WHOLE OR IN PART FROM BOND PROCEEDS OR ACCUMULATED OVER THE TERM OF THE BONDS FROM PLEDGED REVENUES. ANY OR ALL OF THE BONDS MAY BE CALLABLE AT SUCH TIMES, ON SUCH TERMS AND IN SUCH MANNER AS THE AUTHORITY BY RESOLUTION MAY PRESCRIBE. THE BONDS MAY BE REFUNDED BY THE ISSUANCE OF REFUNDING BONDS EITHER AT OR IN ADVANCE OF MATURITY, BUT THE MERE ISSUANCE OF REFUNDING BONDS SHALL NOT BE CONSTRUED TO ADVANCE THE MATURITY OR CHANGE STATED CALL DATES OF THE BONDS BEING REFUNDED. THE BONDS SHALL BEAR SUCH RATE OR RATES OF INTEREST AS THE AUTHORITY MAY PROVIDE AND MAY BE SOLD ABOVE, AT, OR BELOW PAR AT EITHER PUBLIC OR PRIVATE SALE. THE RESOLUTION OF THE AUTHORITY AUTHORIZING THE ISSUANCE OF THE BONDS MAY CONTAIN SUCH COVENANTS, CONDITIONS AND PROVISIONS AS DEEMED NECESSARY TO SECURE THE BONDS."

Page 7, strike lines 1 through 16

Reletter to conform

Line 17, strike "WITHIN TEN" insert "AT LEAST FIFTEEN"; after "DAYS" strike the remainder of the line and insert "PRIOR TO THE ISSUANCE OF ANY BONDS, THE AUTHORITY"

Line 18, strike "DECLARING ITS INTENTION TO ISSUE BONDS, IT"

Line 19, after "INTENTION" insert "TO ISSUE BONDS"

Line 21, strike "PLACE, DAY AND HOUR OF SALE"; insert "PURPOSE FOR

WHICH THE BONDS WILL BE SOLD"

Page 7, line 22, strike "COMMISSION" insert "AUTHORITY"

Line 23, after "FINANCE" strike the remainder of the line and insert "ON OR BEFORE THE LAST DAY OF PUBLICATION."

Strike line 24

Line 25, strike "COMMISSION" insert "AUTHORITY"

Line 28, strike "41-2423. Security for bonds; pledges" insert:

"41-2424. Pledges"

Strike lines 30 through 48

Reletter to conform

Page 8, line 2, strike "STATE" insert "AUTHORITY OR ITS FISCAL AGENT"

Line 3, strike "TREASURER"; strike "PRISON FACILITIES CONSTRUCTION" insert "CRIMINAL JUSTICE AUTHORITY REVENUE"

Lines 7, 8 and 11, strike "COMMISSION" insert "AUTHORITY"

Line 14, strike "COMMISSION" insert "AUTHORITY"; after the period insert "THE BONDS SHALL BE LEGAL AND BINDING OBLIGATIONS OF THE AUTHORITY NOTWITHSTANDING ANY IMPERFECTION OR INFIRMITY IN PROCEEDINGS WITH RESPECT TO SITE SELECTION, PROPERTY ACQUISITION, PLANNING, CONSTRUCTION, OPERATION OR ADMINISTRATION OF OR FOR ANY CRIMINAL JUSTICE FACILITY, OR ANY OTHER ACTION TAKEN BY THE AUTHORITY NOT DIRECTLY AFFECTING THE ISSUANCE OF THE BONDS."

Line 15, strike "41-2424. Bond obligations of the commission" insert:

"41-2425. Bonds as legal investments"

Line 16, after "nonliability" strike the remainder of the line

Strike lines 17 through 25 and insert:

"BONDS ISSUED UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE LEGAL INVESTMENTS FOR ALL BANKS, TRUST COMPANIES AND INSURANCE COMPANIES ORGANIZED AND OPERATING UNDER THE LAWS OF THIS STATE. THE BONDS

AND INTEREST THEREON SHALL BE PAID SOLELY IN ACCORDANCE WITH THEIR TERMS AND SHALL NOT BE OBLIGATIONS GENERAL, SPECIAL OR OTHERWISE OF THIS STATE. SUCH BONDS SHALL NOT CONSTITUTE A LEGAL DEBT OF THIS STATE AND SHALL NOT BE ENFORCEABLE AGAINST THE STATE. THE AUTHORITY SHALL NOT IN ANY EVENT BE LIABLE FOR THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THE BONDS FROM ANY SOURCE OF REVENUES OTHER THAN THOSE PLEDGED FOR THE PAYMENT OF THE BONDS. THE BONDS SHALL NOT BE CONSTRUED TO CONSTITUTE AN INDEBTEDNESS OF THE AUTHORITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION."

Page 8, line 26, strike "44-2425." insert "41-2426."

Lines 27 and 33, strike "COMMISSION" insert "AUTHORITY"

Strike lines 36 through 48

Page 9, strike lines 1 through 11

Line 12, strike "41-2428." insert "41-2427."

Line 14, strike the comma, insert "OR"; after "ALTER" strike "OR" insert "THE RIGHTS VESTED IN THE AUTHORITY TO COLLECT SUCH PENALTY ASSESSMENTS AS MAY BE NECESSARY TO PRODUCE SUFFICIENT REVENUE TO FULFILL THE TERMS OF ANY AGREEMENT MADE WITH THE BONDHOLDERS, OR IN ANY WAY"

Line 18, strike "COMMISSION" insert "AUTHORITY"

Page 9, strike lines 21 through 25 and insert:

"41-2428. Criminal justice authority revenue fund

THERE IS ESTABLISHED THE CRIMINAL JUSTICE AUTHORITY REVENUE FUND. IT SHALL BE HELD AND ADMINISTERED BY A FISCAL AGENT DESIGNATED BY THE AUTHORITY PURSUANT TO SECTION 41-2431. ALL MONIES PAID TO THE AUTHORITY OR ITS FISCAL AGENT FROM PENALTY ASSESSMENTS PROVIDED BY SECTION 41-2402 SHALL BE DEPOSITED IN THE CRIMINAL JUSTICE AUTHORITY REVENUE FUND.

41-2429. Distributions from the criminal justice authority revenue fund

THE FISCAL AGENT SHALL DISTRIBUTE FROM THE CRIMINAL JUSTICE AUTHORITY REVENUE FUND TO THE APPROPRIATE CRIMINAL JUSTICE BOND PAYMENT FUND SUCH MONIES AS ARE NECESSARY TO PAY WHEN DUE THE PRINCIPAL OF AND INTEREST ON ALL BONDS OUSTANDING. THE TIME, METHOD, AMOUNTS, PRIORITY AND APPROPRIATE FUND OF SUCH DISTRIBUTIONS SHALL BE AS PROVIDED IN THE RESOLUTION AUTHORIZING THE ISSUANCE OF THE BONDS AND THE AGREEMENT WITH THE BONDHOLDERS. ALL MONIES IN EXCESS OF THOSE NECESSARY TO PAY THE PRINCIPAL AND INTEREST ON OUTSTANDING BONDS SHALL BE DISTRIBUTED MONTHLY TO THE CRIMINAL JUSTICE ENHANCEMENT FUND.

Page 9, line 26, strike "Prison" insert "Criminal justice"

Line 27, strike "PRISON" insert "CRIMINAL JUSTICE"; after "FUND" insert a period and strike the remainder of the line

Line 28, strike "REVOLVING FUND."

Line 30, strike "STATE TREASURER" insert "TRUSTEE DESIGNATED BY THE AUTHORITY PURSUANT TO SECTION 41-2431"

Line 31, strike "PRISON" insert "CRIMINAL JUSTICE"

Line 32, strike "TREASURER" insert "TRUSTEE"

Line 34, strike "CREATED IN" insert "WHEN REQUIRED BY"

Line 35, strike "LAWFUL" insert "CRIMINAL JUSTICE FACILITIES"

Line 37, strike "PRISON" insert "CRIMINAL JUSTICE"

Line 38, strike "COMMISSION" insert "AUTHORITY"; strike "STATE TREASURER" insert "TRUSTEE"

Line 47, strike "TREASURER" insert "TRUSTEE"

Page 10, line 1, strike "TREASURER" insert "TRUSTEE"

Line 4, after the first "THE" strike the remainder of the line and insert "AUTHORITY, BY RESOLUTION, MAY ESTABLISH SEPARATE BOND

PROCEEDS ACCOUNTS WITHIN THE CRIMINAL JUSTICE"

Page 10, line 5, strike "SOLELY"; after "FOR" strike the remainder of the line and insert "DIFFERENT SERIES OF BONDS."

Line 6, strike "RESOLUTION, EXCEPT THAT,"; after "BONDS" insert "OR ANY SERIES OF THE BONDS"

Line 8, strike "COMMISSION" insert "AUTHORITY"; strike "BY ORDER"

Line 9, after the first "THE" insert "RESPECTIVE ACCOUNT WITHIN THE BOND PROCEEDS"; strike "TREASURER" insert "TRUSTEE"

Line 10, strike "THE FUND" insert "SUCH ACCOUNT"

Between lines 10 and 11, insert:

"41-2431. Designation of fiscal agent and trustees; monies of the authority

A. THE CRIMINAL JUSTICE FINANCE AUTHORITY SHALL DESIGNATE A FISCAL AGENT TO RECEIVE AND ADMINISTER ON BEHALF OF THE AUTHORITY ALL MONIES TO BE PAID INTO THE CRIMINAL JUSTICE AUTHORITY REVENUE FUND, A TRUSTEE TO RECEIVE AND ADMINISTER ON BEHALF OF THE AUTHORITY ALL MONIES TO BE PAID INTO THE CRIMINAL JUSTICE BOND PROCEEDS FUND AND A TRUSTEE TO RECEIVE AND ADMINISTER ON BEHALF OF THE AUTHORITY ALL MONIES TO BE PAID INTO THE CRIMINAL JUSTICE BOND PAYMENT FUND.

B. THE ABOVE DESIGNATIONS SHALL BE MADE FROM BANKS OR TRUST COMPANIES AUTHORIZED TO DO BUSINESS WITHIN THIS STATE. A SINGLE BANK OR TRUST COMPANY MAY ACT IN MORE THAN ONE OF THE CAPACITIES DESCRIBED IN THIS SECTION.

C. NO MONIES DERIVED FROM THE SALE OF BONDS ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, OR PLEDGED TO THE PAYMENT OF SUCH BONDS, SHALL BE REQUIRED TO BE PAID INTO THE STATE TREASURY BUT SHALL BE DEPOSITED BY THE AUTHORITY'S TREASURER, OTHER FISCAL OFFICER, OR A FISCAL AGENT OR TRUSTEE DESIGNATED PURSUANT TO THIS SECTION IN

A SEPARATE BANK ACCOUNT OR ACCOUNTS AS MAY BE DESIGNATED BY THE AUTHORITY. ALL DEPOSITS OF SUCH MONIES SHALL BE SECURED BY OBLIGATIONS OF THE UNITED STATES OF AMERICA, OF A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF THE DEPOSIT, AND ALL BANKS AND TRUST COMPANIES ARE HEREBY AUTHORIZED TO GIVE SUCH SECURITY. SUCH MONEY SHALL BE DISBURSED AS MAY BE DIRECTED BY THE AUTHORITY AND IN ACCORDANCE WITH THE TERMS OF ANY AGREEMENTS WITH THE HOLDER OR HOLDERS OF ANY BONDS. THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING THE POWER OF THE AUTHORITY TO AGREE IN CONNECTION WITH THE ISSUANCE OF ANY OF ITS BONDS AS TO THE CUSTODY AND DISPOSITION OF THE MONIES RECEIVED FROM THE SALE OF SUCH BONDS OR THE INCOME AND REVENUE PLEDGED AND ASSIGNED TO OR INTEREST FOR THE BENEFIT OF THE HOLDER OR HOLDERS THEREOF.

D. THE FEES AND EXPENSES OF THE FISCAL AGENT AND TRUSTEES DESIGNATED PURSUANT TO THIS SECTION SHALL BE PAID FROM THE CRIMINAL JUSTICE AUTHORITY REVENUE FUND OR THE CRIMINAL JUSTICE BOND PROCEEDS FUND AS MAY BE DIRECTED BY THE AUTHORITY.

41-2432. Additional bonds; parity bonds; limitations on issuance

A. AFTER THE ORIGINAL ISSUANCE OF BONDS, THE AUTHORITY MAY ISSUE ADDITIONAL BONDS. SUCH ADDITIONAL BONDS MAY BE ISSUED ON A PARITY WITH ONE OR MORE OUSTANDING ISSUES ON SUCH TERMS AND CONDITIONS AS THE AUTHORITY MAY, BY RESOLUTION, PRESCRIBE.

B. ADDITIONAL BONDS MAY NOT BE ISSUED UNLESS THE MONIES SUBJECT TO PLEDGE FOR PAYMENT OF THE BONDS FOR THE PRECEDING TWELVE-MONTH PERIOD EXCEED ONE AND ONE-THIRD TIMES THE HIGHEST ANNUAL PRINCIPAL AND INTEREST PAYMENTS ON ALL OUTSTANDING BONDS AND THE BONDS TO BE ISSUED FOR THE HIGHEST ONE-YEAR PERIOD DURING THE LIFE OF BOTH THE OUTSTANDING BONDS AND THE BONDS TO BE ISSUED.

C. EXCEPT FOR REFUNDING BONDS WHICH FULLY RETIRE OUTSTANDING BONDS, NO ADDITIONAL BONDS MAY ENJOY A PLEDGE WHICH IS SENIOR TO THE PLEDGE FOR ANY OUTSTANDING BONDS PREVIOUSLY ISSUED."

Page 10, line 11, strike "41-2431." insert "41-2433."; strike "commission" insert "authority"

Line 14, strike "COMMISSION" insert "AUTHORITY"

Line 23, strike "ENHANCEMENT" insert "AUTHORITY REVENUE"

Line 29, strike the period and insert "INCLUDING"

Line 30, strike "2."

Renumber to conform

Line 33, strike "ENHANCEMENT" insert "AUTHORITY REVENUE"

Line 35, after "ON" strike the remainder of the line and insert "THE NINETIETH DAY"

Line 36, strike "CALENDAR YEAR"

Between lines 38 and 39, insert:

"D. THE ARIZONA CRIMINAL JUSTICE FINANCE AUTHORITY SHALL ISSUE BONDS IN AN AMOUNT SUFFICIENT TO PRODUCE THE MONIES NECESSARY TO FINANCE ANY PLAN THAT BECOMES EFFECTIVE PURSUANT TO THIS SECTION, UNLESS SUCH ISSUANCE IS OTHERWISE PROSCRIBED BY THIS CHAPTER.

E. THE AUTHORITY SHALL ACQUIRE AND CONSTRUCT CRIMINAL JUSTICE FACILITIES, AND SHALL ACQUIRE AND CONVERT EXISTING FACILITIES INTO CRIMINAL JUSTICE FACILITIES ACCORDING TO ANY PLAN THAT BECOMES EFFECTIVE PURSUANT TO THIS SECTION.

Sec. 12. Initial term of members

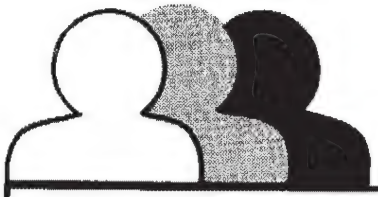
Initial appointments to the Arizona criminal justice finance authority shall be made no later than thirty days from the effective date of this act. The governor shall designate two members whose initial terms will expire on the third Monday of January, 1987, two members whose initial term will expire on the third Monday

of January, 1988, and one member whose initial term will expire on the third Monday of January, 1989."

Renumber following section to conform

Amend title to conform

1/17/83
3:00 p.m.
rbc



Arizona Council of Behavioral Health Associations

Arizona's Behavioral Health Services

An Overview

FACTS

- Among all the states Arizona ranks
  - —second in suicides
  - —first in per capita consumption of beer and malt liquor
  - —second in divorces
- Phoenix is fourth among all major cities in per capita cocaine consumption.
- 72.5% of all persons who receive behavioral health care improve with treatment.
- Arizona taxpayers pay less than half the total cost for treating the state's behavioral health problems.
- State expenditure for institutional behavioral health care in FY 1981-82 was $21,601 per client, compared with $275 per client in community behavioral health care facilities.

CONCLUSIONS

- Growing numbers of Arizona residents need treatment for behavioral health problems.
- Arizona's present community behavioral health care system is not only cost efficient but effective.
- It is more cost efficient to treat behavioral health problems through community services than in institutions.

SOLUTION

- Expand the cost effective community behavioral health program.

Data sources furnished on request.

For further information

Contact: Dr. Steve Scott or Dr. Carl Brown
1424 South 7th Avenue
Phoenix, AZ 85007 (602) 257-9339

Supplemental Material

1. ARE BEHAVIORAL HEALTH SERVICES REALLY NEEDED IN ARIZONA?

Among the ten leading causes of death in Arizona in 1980, two were behavioral health problems, one was substantially the result of such problems. Accidents were the third highest cause of death, suicide the seventh and alcoholism the ninth. Suicide was the tenth cause of death in 1970 but rose to seventh by 1980. Alcohol is implicated in 36% of *all* accident deaths. Other drugs—marijuana and tranquilizers—have been found in 24% of the drivers involved in traffic accidents.

In addition to the human suffering associated with death, behavioral health problems resulting in accidents, suicide and alcoholism account for nearly one-third of the productive years of life lost in Arizona. This state's per capita consumption of beer and malt liquor ranks first in the nation, while the divorce rate is second. Phoenix ranks fourth among all major cities in per capita cocaine consumption. These facts are prompting Arizonans to recognize that behavioral health services are necessary to reduce mortality, improve life quality, and increase the number of productive years in which income is generated by the citizens of Arizona.

2. WHAT IS ARIZONA DOING TO ADDRESS THESE PROBLEMS?

The State of Arizona, working through the Department of Health Services, has developed a network of more than 100 community agencies offering mental health, alcohol and drug abuse treatment. These services range from emergency phone assistance and short-term counseling for those with acute problems to day treatment programs for chronically mentally disabled persons and inpatient psychiatric help for severe problems. This comprehensive program of care is offered on the basis of the client's ability to pay, and insures accessibility to all. Services are affordable, conveniently located and provided with the highest standards of professional care.

3. IS ARIZONA'S SYSTEM OF BEHAVIORAL HEALTH CARE EFFECTIVE?

During FY 1981-82 more than 58,000 Arizonans received behavioral health care in their communities. More than 80% were classed as moderately to severely disturbed when they entered care. Clients in this range often are a burden to their families, a drain of the public purse and a danger to others or themselves. Results of this treatment show the following statistics:

- 72.5% improved in treatment.
- 58% with alcohol problems stopped or drastically reduced their drinking.
- 52% with drug problems stopped their drug abuse.
- 85% reported in sample studies that they were helped and would recommend the services to others.
- Community care for the chronically mentally ill in Arizona's system reduces the need for institutional care by 77%. For those who require hospitalization, the length of stay is reduced 86%.
- A Department of Behavioral Health Services study shows that increased funding provides treatment for more residents and causes a decrease in State Hospital admissions.

The facts prove that behavioral health services provide a positive alternative to crime, drunkeness, suicide and family violence.

4. IS ARIZONA'S SYSTEM OF BEHAVIORAL HEALTH CARE COST EFFICIENT?

The cost of services provided through the State supported community care system is less than prevailing market rates for such care. The average cost of an outpatient alcohol, drug abuse or mental health service provided through this system is $45. The prevailing market rate for outpatient care ranges from $55 to $70.

Improvements in client functioning, achieved by Arizona support programs, on the average is relatively quick and inexpensive. The average cost per client for treatment in a mental health, alcohol or drug abuse community program is under $750.

Arizona taxpayers pay less than half the total cost for these services. Only 40% of the total cost for this program is paid by State tax dollars. The remaining 60% is paid by client fees, local and Federal dollars. To maximize community input and control, the State of Arizona wisely requires community programs to "match" every State dollar, increasing the cost efficiency of each taxpayer dollar. The Arizona State Legislature, through the Department of Health Services, rigorously monitors and evaluates all monies and services. Annual site visits, audits, quarterly expenditure reports and requirements for pre-approval of changes and personal evaluation of the quality of the care are used to safeguard the taxpayer's money.

Community treatment is extremely cost efficient when compared to Arizona's only other alternative—institutional care. In FY 1981-82 the per-client cost for institutional behavioral health care in state dollars was $21,601; the per-client cost for community behavioral health care was $275.

5. DURING THIS TIME OF SCARCE RESOURCES, HOW CAN ARIZONA BEST PROVIDE FOR THE BEHAVIORAL HEALTH NEEDS OF ITS RESIDENTS?

The behavioral health needs of this rapidly growing state have outpaced the capacity of the behavioral health care system. The alarming data on suicide and alcoholism in Arizona support the Department of Health's estimates that over 17% of our residents suffer moderate or severe impairment from mental disorders, and more than 11% experience equally disabling alcohol problems. Even if the State's service commitments are severely restricted, less than 15% of those eligible for behavioral health care are currently gaining access to such help.

Despite these overwhelming needs the funds appropriated for behavioral health care have recently been reduced. State subvention for mental health has declined by 9.5% during the current fiscal year. Alcohol and drug abuse services are down by 2.5%. Arizona now ranks last among the western states in funding for behavioral health, and has the lowest per capita funding for mental health in the nation. Further reductions in support will result in drastic cutbacks in services, additional institutional expense and even greater human suffering and loss of productive years of life.

Our first priority must be to preserve the ability of the system to provide needed care. Reduction of support will not only mean that some residents will go without help, but will eliminate some types of care and weaken the quality of treatment available. Every effort must be made to increase funding support.

info from Sheriff Jerry Hill

I - The cost of housing an inmate in the Maricopa County Jail is currently between $10,500.00 and $11,000.00 per annum based on $29.00 per diem. As a basis of comparison the per annum expense of housing a prisoner in Department of Corrections facility is $15,000.00 per annum (per DOC projections.)

II - The annual budget of Maricopa County is $506,815,442.00. Of that $36,271,565.00 is allocatted to the Sheriff's Office making the percentage approximately 7½% of the annual County budget.

III - The percentage of Sheriff's Office budget allocatted to personnel expense is approximately 65%.

ANNUAL REPORT

CY 1982

ARIZONA LAW ENFORCEMENT OFFICER ADVISORY COUNCIL

DONALD SKOUSEN
CHAIRMAN

M. L. RISCH
BUSINESS MANAGER

ANNUAL REPORT

January 1, 1982 - December 31, 1982

INTRODUCTION:

The Arizona Law Enforcement Officer Advisory Council (ALEOAC) was established by statute on 1 July 1968 to meet the challenge and need for peace officer standards and training in an increasingly complex law enforcement environment.

Members of the Council are:

Donald Skousen, Chairman
Ralph Milstead, Director, DPS
Bob Corbin, Attorney General
Ruben Ortega, Chief, Phoenix Police Department
C. Reed Vance, Chief, Sierra Vista Police Department
Marlin Gillespie, Sheriff, Navajo County
Jerry Hill, Sheriff, Maricopa County
Joanne Rhoads, Director, Rainbow Retreat
J. David Harden, Jr., AirMet Corp.

This report is intended to provide a synopsis of ALEOAC activities during Calendar Year 1982. Questions pertaining to the enclosed information should be forwarded to:

ALEOAC
P. O. Box 6638
Phoenix, Arizona 85005
(Ph: 262-8310)

OVERVIEW:

Through the years since inception, viable mental, moral and physical standards for qualifications as a peace officer and standards of conduct for continued certification have been established and imposed by the Council. Likewise, Council's actions have resulted in significant improvement in virtually all areas of law enforcement training and professional achievement. Examples of this include the adoption of a basic training course of 200 hours in 1969, expanded to 280 hours in 1973, raised on an optional basis to 400 hours in 1976, which subsequently became mandated on 1978.

More recently, the Council has established mandatory requirements for advanced training to maintain currency in officer survival techniques, law, and new concepts in police procedures and technology, etc. In addition to mandatory training, ALEOAC has developed and endorsed specialty training

programs to meet a broad range of technical and specialized training needs. Each year, ALEOAC publishes a comprehensive "Training Calendar" highlighting training availability by subject, content, location and enrollment procedures. Agency requests for training not included in the "Training Calendar" are acted on by the Council during its regular meetings.

In order to assure the citizenry of Arizona is served by a quality law enforcement community, the Arizona Law Enforcement Officer Advisory Council will continue to serve as the catalyst for growth of training programs and development of standards in law enforcement by fulfilling its statutory duties and responsibilities.

POWERS AND DUTIES:

The general powers and duties of the Council as established by Arizona Revised Statutes §41-1822 are to:

1. Establish rules and regulations for the conduct of all business coming before the Council.

2. Prescribe minimum qualifications for officers appointed to enforce the laws of this state.

3. Prescribe minimum courses of training and minimum standards for training facilities for law enforcement officers.

4. Recommend curricula for advanced courses and seminars in law enforcement training in universities, colleges, and junior colleges, in conjunction with the governing body of the educational institution.

5. Determine whether the political subdivisions of the state are adhering to the standards for recruitment and training.

Within the framework of their charter, the Council has endeavored to maximize the use of peace officer training dollars by funding professional training, providing grants for training facilities and programs, acquiring training facilities, and reimbursing political subdivisions throughout the state for necessary costs incurred in the training of peace officers.

EXECUTIVE SUMMARY OF TRAINING:

During 1982, 4,030 Arizona officers completed 28,051 hours of ALEOAC supported training. This training consisted of 160 different courses in 65 topic areas ranging from basic entry level training to highly specialized and technical programs.

Comparisons between the 1982 levels and previous years are as follows:

	1982	1981	1980
Basic Training	774 officers (412 Regular) (1) (308 Reserve) (54 Specialty)(2) 21,882 hours	859 officers (540 Regular) (318 Reserve) 23,809 hours	916 officers (742 Regular) (204 Reserve) 23,261 hours
In-State Spec.	3,192 officers (3) 4,182 hours	5,858 officers 4,250 hours	3,368 officers 5,185 hours
Allocation Fund	64 officers (4) 1,587 hours	69 officers 2,295 hours	140 officers 4,540 hours
TOTAL OFFICERS	4,030 officers	6,785 officers	4,454 officers
TOTAL HOURS	28,051 hours	30,354 hours	32,986 hours
TOPIC AREAS	65	88	122
OFFICERS WAIVERED	65 (5)	53	82

Notes:

(1) Due to the general state of the economy, most law enforcement agencies reduced hiring peace officers during both 1981 and 1982. This is reflected in the number of cadets trained and a general reduction in the number of certified law enforcement officers in Arizona from 6,902 as of 1 July 1981 to 6,663 as of 1 July 1982.

(2) The 54 specialty officers certified during 1982 attended training programs especially designed for their specific law enforcement responsibility. In prior years, these candidates were recorded statistically as graduates of the regular basic training programs.

(3) During 1979, the Council approved a mandatory (once every three years) Advanced Officer Training requirement, with the first training to be completed by 31 December 1981. Although the requirement could have been met during any of the years 1979, 80, or 81, most officers attended during 1981 as reflected in the 1981 "In-State Specialty" training statistics. Staff is encouraging agencies to spread the training over the years of eligibility; however, it is anticipated it will remain cyclic in completion.

(4) The Council includes funding in the ALEOAC budget to enable agencies to identify and attend law enforcement training which does not duplicate training in the ALEOAC "Training Calendar". Decreased use of

allocation funds during 1981 and 1982 indicates the improved quality, comprehensiveness of the training calendar and the inability of agencies to allow the absence of officers for training purposes due to reductions in the size of the force caused by the economy.

(5) Candidates whose credentials and experience tentatively meet standards for Arizona certification, or whose Arizona certification has expired, may demonstrate currency and gain/regain certification through waiver testing. Those passing the exam are certified directly. Failure to successfully demonstrate proficiency results in mandatory attendance at a certified academy.

SYNOPSIS OF TRAINING BY TYPE AND LOCATION, 1982:

BASIC TRAINING:

In 1982, 774 officers completed 21,882 hours of basic training in ALEOAC approved academies - 19 Basic Peace Officer Academies (412 Regular officers trained), 30 Reserve Officer Academies (308 Reserve officers trained) and 3 Specialty Officer Academies (54 Specialty officers trained). Also, there were 65 officers that completed the ALEOAC Waiver process.

1. ALETA

Seven (7) sessions of 440 hours each, one (1) session of 280 hours, and 280 hours of make-up training to complete the waiver certification process, for a total of 193 graduates.

2. ARIZONA DEPARTMENT OF CORRECTIONS

One (1) 280 hour Specialty Officer academy with 11 graduates.

3. ARIZONA WESTERN COLLEGE

One (1) 467 hour academy with a total of 14 Full Authority Reserve graduates.

4. CARLOTA

One (1) session of 495 hours, one (1) session of 487 hours for a total of 65 Regular officer graduates.

One (1) session of a 220 hour Reserve academy with 1 Limited Authority Reserve officer graduated.

One (1) session of a 135 hour waiver make-up course (Law and Legal Matters), two (2) 43-hour sessions of a make-up course for Traffic Control, one (1) session of a 43-hour make-up for Defensive Driving and Firearms for a total of 17 graduates.

5. GILA PUEBLO COLLEGE

One (1) 431-hour Reserve academy with 8 Full Authority Reserve graduates.

6. GLENDALE COMMUNITY COLLEGE RESERVE ACADEMY

Two (2) sessions of a 200 Hour Reserve Officer Certification I and two (2) sessions of a 200 Hour Reserve Officer Certification II for a total of 80 Reserve graduates. (Certification II is a continuation of the Limited Authority Certification I program to achieve Full Authority Reserve certification.)

7. MESA COMMUNITY COLLEGE RESERVE PROGRAM

Two (2) sessions of a 230 hour Reserve Officer Certification I and two (2) sessions of a 230 hour Reserve Officer Certification II for a total of 44 Reserve graduates. (See paragraph 6).

8. MOHAVE COMMUNITY COLLEGE

One (1) 400 hour Full Authority Reserve academy with 8 graduates.

9. NAVAJO POLICE ACADEMY

Two (2) sessions of 1120 hours each with 27 graduates.

10. NORTHLAND PIONEER COLLEGE RESERVE PROGRAM

Three (3) sessions of 400 hours Full Authority Reserve and one (1) session of 250 hours Limited Authority Reserve with a total of 41 Reserve graduates.

11. PHOENIX COLLEGE RESERVE ACADEMY

One (1) session of a 200 hour Certification I Reserve academy and one (1) session of a 200 hour Certification II Reserve academy for a total of 9 Reserve graduates. (See paragraph 6)

12. PHOENIX POLICE DEPARTMENT

Two (2) session of 512 hours, one (1) session of 544 hours, two (2) sessions of 520 hours for a total of 121 Regular officer graduates.

One (1) session of a 283 hour Reserve academy for a total of 11 Limited Authority Reserve graduates.

Two (2) sessions of a 240 hour Specialty Officer academy with 43 graduates.

13. PIMA COUNTY SHERIFF'S OFFICE ACADEMY

One (1) 400 hour Reserve academy with 12 Full Authority Reserve graduates.

14. SOUTHERN ARIZONA REGIONAL LAW ENFORCEMENT TRAINING ACADEMY (SARLETA) - Cochise County

One (1) session of a 440 hour Reserve academy with a total of 21 Full Authority Reserve graduates.

15. SOUTHERN ARIZONA LAW ENFORCEMENT TRAINING CENTER - Tucson

One (1) session of a 220 hour Limited Reserve Officer academy with a total of 19 graduates.

16. WHITERIVER POLICE DEPARTMENT

One (1) session of 477 hours with a total 3 Full Authority graduates.

17. YAVAPAI COMMUNITY COLLEGE

Eight (8) sessions of a 400 hour Reserve academy with a total of 28 Full Authority Reserve graduates.

18. YUMA POLICE DEPARTMENT

Two (2) session of a 400 hour Reserve academy with a total of 23 Full Authority Reserve graduates.

SPECIALIZED TRAINING - 1982 (In-State):

In 1982 the Council approved a total of 4,182 hours of specialized and advanced training, conducted within the State of Arizona, for 3,192 officers.

A. Instructor Schools

1.	CARLOTA (One 40-hour program)	40 hours	11 graduates
2.	Department of Public Safety (Seven 40-hour programs)	280 hours	92 graduates
3.	Northland Pioneer College (One 45-hour programs)	45 hours	5 graduates
4.	Phoenix Police Department (One 40-hour program - NRA Firearms Instructor)	40 hours	45 graduates
5.	Tucson Police Department (Four 40-hour programs)	160 hours	70 graduates
	INSTRUCTOR SCHOOL TOTALS	635 hours	223 graduates

B. Management and Supervision

1.	ASU "Police Supervision" (Two 40-hour program)	80 hours	67 graduates
2.	ASU "Police Mid-Management" (One 40-hour program)	40 hours	37 graduates
3.	ASU "Executive Development" (Three 24-hour programs)	72 hours	87 graduates
4.	ASU "Assessment Center" (One 40-hour program)	40 hours	21 graduates
5.	ALEOAC Training Calendar "Police Supervision" (One 40-hour program)	40 hours	46 graduates
6.	FBI "Firstline Supervisor" (One 40-hour program)	40 hours	14 graduates
	MANAGEMENT/SUPERVISION TOTALS	312 hours	272 graduates

C. Specialized and Advanced Training

1.	ALEOAC Spec. Calendar "Traffic Accident Investigation (One 32 & 40-hour program)	72 hours	60 graduates

2.	ALEOAC Spec. Calendar		
	"Basic Criminal Investigation"		
	(Two 40-hour programs)	80 hours	78 graduates
	"Advanced Criminal Inv. - Homicide	24 hours	84 graduates
	"Adv. Crim. Inv.- Sexual Assault/Narc.		
	(One 16-hour program)	16 hours	47 graduates
3.	ALEOAC Spec. Calendar		
	"Crime Prevention - Basic"		
	(Two 40-hour programs)	80 hours	82 graduates
	"Crime Prevention - Advanced"	40 hours	34 graduates
4.	ALEOAC Spec. Calendar		
	"Officer Survival"		
	(Five 24-hour programs)	120 hours	200 graduates
5.	ALEOAC Spec. Calendar		
	"Personnel Management"		
	(One 32-hour programs)	32 hours	29 graduates
6.	ALEOAC Spec. Calendar		
	"Report Writing"		
	(Two 16-hour programs)	32 hours	52 graduates
7.	ALEOAC Spec. Calendar		
	"Training Management"	40 hours	27 graduates
8.	ALEOAC Spec. Calendar		
	"Survival Firearms"		
	(Two 16-hour programs)	32 hours	62 graduates
9.	ALEOAC Spec. Calendar		
	"Juvenile Delinquency"	24 hours	41 graduates
10.	ALEOAC Spec. Calendar		
	"Hostage/Barricade Negotiation"	24 hours	36 graduates
11.	ALEOAC Spec. Calendar		
	"Interviewing and Interrogation"		
	(Two 40-hour programs)	80 hours	82 graduates
	(One 32-hour program)	32 hours	37 graduates
12.	ALEOAC Spec. Calendar		
	"Defensive Tactics Instr"	40 hours	40 graduates
13.	ALEOAC Spec. Calendar		
	"Civil Liability in Law Enf."		
	(Three 16-hour program)	48 hours	106 graduates
14.	AZ. Division of Internat'l Assoc.		
	for Identification		
	"Sixth Annual Educators Conf."	12 hours	9 graduates
	"Adv. Fingerprint Technician"	32 hours	10 graduates
15.	AZ. Governmental Training Services		
	"Basic Supervisory Skills Wrkshp"	7 hours	6 graduates
16.	AZ. Livestock Dept.		
	"Officer Survival"	8 hours	69 graduates
17.	Department of Public Safety		
	"Medicolegal Invest. of Death"	40 hours	58 graduates
	"Motorcycle School"		
	(Three 80-hour programs)	240 hours	26 graduates
	"Organized Crime and Crim. Consp."	80 hours	28 graduates

18.	Deroit Armor Corp.		
	"Operation of Indoor Range"	8 hours	13 graduates
19.	Don Jackson Co., Inc.		
	"Time Management for Law Enf. Ofcr."		
	(Two 14-hour programs)	28 hours	38 graduates
20.	FBI		
	"News Media Relations"	16 hours	33 graduates
	"Adv. Leadership"	24 hours	46 graduates
	"Basic Fingerprint"	40 hours	19 graduates
21.	Flagstaff Police Department		
	"Alco-Analyzer Mod. 1000 Cert."	9 hours	32 graduates
22.	Glendale Community College		
	"Burglary Investigation"	16 hours	20 graduates
23.	General Motors Proving Grounds		
	"Adv. Defensive Driving Instr."	30 hours	3 graduates
24.	Gila County Sheriff's Office		
	"Medicolegal Invst. of Death"	16 hours	80 graduates
25.	Governor's Ofc/BLM/US Forest Serv.		
	"Protection of Archaeological Res."	8 hours	46 graduates
26.	I.A.B.T.I.		
	"Bomb Technician In-Service Trng"	16 hours	33 graduates
27.	Lowry & Assoc.		
	"Motivation for Results"	16 hours	17 graduates
	"Assessor Training"	24 hours	38 graduates
28.	Maricopa County Sheriff's Office		
	"Arson Investigation"	24 hours	19 graduates
29.	Nat'l Assoc. of Real Estate		
	"Investigator's Seminar"	18 hours	6 graduates
30.	Northern Arizona University		
	"Fire Investigation IV"	42 hours	29 graduates
31.	Northland Pioneer College		
	"Inv. of Kidnapping Extortion"	32 hours	7 graduates
32.	Peoria Police Department		
	"Defensive Driving Waiver"	4 hours	7 graduates
	SPECIALTY AND ADVANCED TOTALS	1622 hours	1811 graduates

D. Advanced Officer Training

1.	ALETA/ALEOAC		
	(One 24-hour program)	24 hours	38 graduates
2.	AZ. Department of Public Safety		
	(Fourteen 24-hour programs)	336 hours	522 graduates
3.	Apache County Sheriff's Office		
	(One 24-hour program)	24 hours	5 graduates
4.	Arizona State University		
	(One 24-hour program)	24 hours	13 graduates
5.	Casa Grande Police Department		
	(Four 40-hour programs)	160 hours	41 graduates
6.	Central Arizona College Police Dept.		
	(One 25-hour program)	25 hours	1 graduate

7.	Globe Police Department (One 32-hour program)	32 hours	1 graduate
8.	Maricopa County Atty's Ofc (One 24-hour program)	24 hours	10 graduates
9.	Maricopa County Sheriff's Office (Six 24-hour programs)	144 hours	33 graduates
10.	Mesa Police Department (One 24-hour program)	24 hours	1 graduate
11.	Mohave County Sheriff's Office (Two 24-hour programs)	48 hours	17 graduates
12.	Nat'l Park Service - Wahweep (One 24-hour program)	24 hours	37 graduates
13.	Navajo County Sheriff's Office (Two 24-hour programs)	48 hours	14 graduates
14.	Navajo Police Department (Two 83-hour programs)	166 hours	35 graduates
15.	Paradise Valley Marshal's Office (One 24-hour program)	24 hours	1 graduates
16.	Pima County Sheriff's Office (Three 24-hour, one 80-hour and one 28-hour program)	180 hours	44 graduates
17.	Scottsdale Police Department (Two 25-hour program)	50 hours	18 graduates
18.	Southern Arizona Law Enforcement Training Center - Tucson (One 24-hour program)	24 hours	1 graduate
19.	Tempe Police Department (One 24-hour program)	24 hours	8 graduates
20.	Tucson Police Department (One 160-hour program)	160 hours	10 graduates
21.	Yuma County Sheriff's Office (Two 24-hour program)	48 hours	36 graduates
	ADVANCED OFFICER TOTALS	1613 hours	886 graduates

TOTALS FOR SPECIALTY/ADVANCED TRAINING IN 1981: 4182 hours
3192 graduates

INDIVIDUAL AGENCY ALLOCATION TRAINING - 1982

During 1982, 64 officers from 24 agencies received funding through ALEOAC for attending 44 in-state and out-of-state training programs. A by-agency recap of that training is as follows:

AGENCY	# OF PROGRAMS	# OF OFFICERS	HOURS
Arizona Dept. of Public Safety	6	7	184
Arizona Game & Fish Department	2	2	52
Arizona State University P. D.	1	1	80
Coconino County Sheriff's Office	1	1	80
Cottonwood Police Department	1	1	48
Flagstaff Police Department	1	1	32
Glendale Police Department	4	7	112
Kingman Police Department	2	2	70
Mesa Police Department	1	1	40
Navajo County Parks Department	1	1	16
Navajo County Sheriff's Office	1	1	48
Paradise Valley Marshal's Office	1	1	45
Parker Police Department	1	1	24
Payson Police Department	1	2	40
Phoenix Police Department	5	6	276
Pima Community College P. D.	1	1	16
Pima County Attorney's Office	1	1	36
Pima County Sheriff's Office	5	7	176
Pinal County Sheriff's Office	1	2	20
Tempe Police Department	4	9	124
Tucson Police Department	1	2	8
Yavapai College Police Dept.	1	1	20
Youngtown Police Department	1	1	20
Yuma Police Department	1	1	40
TOTALS	44	64	1587

FINANCIAL DATA

Note:

All state agencies operate on a fiscal 1 July - 30 June basis. Consequently the following data pertains to Fiscal Year 81/82 and 82/83.

FUND AVAILABILITY:

Prior to 24 July 1982, ALEOAC received its funding in accordance with ARS Section 41-1826. Revenue was generated through a 10% penalty assessment on traffic and criminal fines. The 35th Legislature, second session, passed ARS 41-2401 establishing the "Criminal Justice Enchancement Fund". Under the provisions of the statute, ALEOAC receives 26% of a 37% assessment on all traffic and criminal fees. It is anticipated that revenue deposited in the Peace Officers' Training Fund (POTF) during FY 82/83 will be slightly less than that received in FY 81/82 as follows.

FY 81/82 (Actual)	FY 82/83 (Estimate)
2,881,163	2,700,000

Budget and Expenditures:

	FY 81/82 Operating - Budget	FY 81/82 Operating - Expenditures*	FY 82/83 Operating - Budget
Personnel Svc & ERE	527,541	488,640	584,929
Professional/Outside Svc	629,572	428,289	765,332
Travel	121,750	36,300**	28,946
Other Operating	522,650	586,030	606,009
Capital Outlay	107,625	142,190	77,600
Cooperative Agreement	758,500	564,755	934,184
	2,667,638	2,246,204	3,047,000

* Includes 201,261 recorded after closeout of FY 81/82.

** Approximately $80,000 budgeted in the FY 81/82 "Travel" program was accounted for in "Other Operating". This was an accounting charge to accommodate the actual purpose of the expenditures, i.e., rent motel and conference rooms for specialized training.

COMMENT:

Revenue for the Peace Officers' Training Fund is continuously appropriated. Therefore, revenue over and above the amount expended during a given Fiscal Year is carried forward and available to meet requirements of the succeeding year. Expenditures during FY 81/82 were artificially low due to a marked decrease in basic training requirements identified earlier. This resulted in a substantial carry forward to FY 82/83 and is being used to meet operating and LB&I requirements approved by the Council.

CRIMINAL JUSTICE ENHANCEMENT FUND

(Based on 37% surcharge/$10,380,000 estimate for current year)

ALEOAC(Law Enforcement)	26%	$2,698,800
APAAC(Prosecuting Attorneys)	8%	$ 830,400
DHS(Drug/Alcohol Abuse)	4%	$ 415,200
SUPREME COURT(Juvenile Crime)	12%	$1,245,600
DPS(Burglary Prevention)	12%	$1,245,600
AG(Burglary Prosecution)	12%	$1,245,600
SUPREME COURT(Judges Pro Tem)	9%	$ 934,200
DOC(County Jails)	15%	$1,557,000
ACJC(Criminal Justice Commission)	2%	$ 207,600